

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION  
OF THE  
MAGNOLIA POWER PROJECT  
BY SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY**

**DOCKET No. 01-AFC-6**  
APPLICATION ACCEPTED  
SEPTEMBER 25, 2001

**NOTICE OF PREHEARING CONFERENCE  
and REVISED SCHEDULING ORDER**

NOTICE IS HEREBY GIVEN that the Committee will conduct a Prehearing Conference as follows:

**MONDAY, MARCH 11, 2002  
Beginning at 2 p.m.  
California Energy Commission  
First Floor Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814**

**[Wheelchair Accessible]**

Interested governmental agencies and members of the public are invited to participate either in person or via teleconference. For the convenience of those who cannot travel to Sacramento, you may call the following:

**Toll Free Phone number: 888-390-2955  
Conference Leader: Susan Gefer  
Passcode: Magnolia**

At the Prehearing Conference, the parties shall discuss the substantive topic areas described in the Final Staff Report (FSR). The FSR will be posted on the Energy Commission's Web site at [[www.energy.ca.gov/sitingcases/magnolia](http://www.energy.ca.gov/sitingcases/magnolia)] on or about February 28, 2002. A printed copy may be requested from the project manager, James Reede, at (916) 653-1245.

## Purposes and Procedures

The basic purposes of the Prehearing Conference are to assess the parties' readiness for evidentiary hearings. The parties shall specify which topic areas are complete, which require further analysis, including the nature of, and timeframe for, any such analysis; which topics the parties have reached agreement upon; and which are disputed and require adjudication. All parties shall identify proposed witnesses, as well as the time required for testimony and/or cross-examination. The parties shall also discuss procedures that will assist the Committee in concluding the review process in an expeditious manner, including dates for filing additional testimony and exhibits, briefing and comment periods, and other related items.

## Prehearing Conference Statements

Each party intending to participate at the Prehearing Conference, or to present evidence or cross-examine witnesses at Evidentiary Hearings, shall serve and file a Prehearing Conference Statement. The Statements shall be served on the parties and filed with the Commission's Docket Unit, MS-4, 1516 Ninth Street, Sacramento, California 95814, for receipt **no later than noon on Wednesday, March 6, 2002**. In addition, copies of the Statements shall be emailed to all the parties and to the Hearing Officer no later than the time and date noted above. The parties' email addresses appear on the Proof of Service list. All filings shall be identified with "Docket No. 01-AFC-6."

Each Prehearing Conference Statement shall address the topic areas in the FSR and shall specify the following:

- The topic areas which a party believes are ready to proceed to evidentiary hearings;
- The topic areas which a party believes are not yet ready to proceed to evidentiary hearings and the reasons therefor;
- Topic areas for which a dispute requiring adjudication exists, including a summary of the precise nature of the dispute;
- The identity of witnesses a party proposes to sponsor, the topic area(s) upon which the witnesses will testify, a written summary of the testimony to be offered,

the qualifications of the witnesses, and the time needed to present direct testimony;

- Topic areas upon which a party desires to cross-examine witnesses, summary of the scope of cross-examination, and the time needed for such cross-examination;
- Copies of exhibits and a list identifying such exhibits that each party will offer as evidence; and
- A proposed schedule for the remainder of this proceeding.

Exhibits and written testimony for those topics that are not contested and for which there is agreement on the Conditions of Certification may be submitted into the evidentiary record by declaration or affidavit upon stipulation of the parties.

The Committee will issue an Order based upon discussions at the Prehearing Conference and schedule evidentiary hearings accordingly.

### **Petitions to Intervene**

Anyone with a legitimate interest in the siting of the proposed project may file a Petition to Intervene and become a formal party to the proceeding. A formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with Committee orders, procedures, and filing requirements, and is subject to having its own witnesses cross-examined by other parties.

The Commission's Public Adviser is available to assist anyone interested in preparing a Petition to Intervene. Petitions to Intervene in this proceeding shall be filed with the Commission's Docket Unit **no later than noon on Wednesday, March 6, 2002**. Any person filing a Petition to Intervene must also send an electronic copy to the Hearing Officer and all parties on the Proof of Service list no later than the identified deadline. Typically, newly identified intervenors at the Prehearing Conference are not granted time extensions to review existing case materials since to do so could delay the proceeding.

## **Information**

If you need information about public participation, please contact Roberta Mendonca, the Commission's Public Adviser, at (916) 654-4489 or toll free in California at (800) 822-6228 or email: **[pao@energy.state.ca.us]**

Please call Priscilla Ross in the Public Adviser's office, above, if you require special accommodation to participate at this meeting or email: **[pross@energy.state.ca.us]**

For technical questions about the project, contact James Reede, the Commission's Project Manager, at (916) 653-1245 or email: **[jreede@energy.state.ca.us]**

Questions of a legal or procedural nature should be directed to Susan Gefter, the Hearing Officer, at (916) 654-3893 or email: **[sgefter@energy.state.ca.us]**

Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications, at (916) 654-4989 or email: **[energia@energy.ca.gov]**

Notices and other documents concerning this proceeding are posted on the Energy Commission's Web site at: **[www.energy.ca.gov/sitingcases/magnolia]**

## **REVISED SCHEDULING ORDER**

The Committee's November 1, 2001, Scheduling Order anticipated the Prehearing Conference would occur at the end of January 2002. The Order also incorporated a performance approach that imposes a commensurate slippage in the schedule when Applicant fails to supply necessary information by the dates set forth in the schedule. Since the Preliminary Determination of Compliance was released about one month later than contemplated in the schedule, the Initial Staff Report was delayed for one month. Issues related to wastewater discharge and the applicable National Pollution Discharge Elimination System (NPDES) permit have caused additional delays in processing the Application for Certification (AFC).

In its February 6, 2002, status report, Applicant requests a schedule delay of about 10 weeks to provide more time to resolve pending wastewater discharge issues. This delay pushes the date for the Prehearing Conference to March 11, 2002, and Commission consideration of the Presiding Member's Proposed Decision (PMPD) to June 2002. Applicant understands that the original six-month timetable for reviewing the project cannot be met under the circumstances.

Given Applicant's need to obtain an appropriate NPDES permit or to develop an alternative wastewater discharge program, we believe that extension of the schedule is reasonable and necessary. The schedule is hereby revised and extended by 10 weeks. Applicant shall be on notice that the performance approach remains in effect. Applicant's failure to provide required information in a timely manner will result in a commensurate slip of the schedule.

#### **REVISED SCHEDULE**

DATE	EVENT
February 15	Applicant files FDOC
February 21	All parties file Status Reports
February 28	Staff files Final Staff Report
March 6	Prehearing Conference Statements due
March 6	Last day to intervene
March 11	Prehearing Conference
Late Mar	Evidentiary Hearings
Early May	PMPD
Early June	Commission hearing on PMPD

Dated February 11, 2002, at Sacramento, California.

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ROBERT A. LAURIE  
Commissioner and Presiding Member  
Magnolia AFC Committee

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ARTHUR H. ROSENFELD  
Commissioner and Associate Member  
Magnolia AFC Committee

cc: POS  
Lists 7070, 7071, 7072